

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 20, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, April 20, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Lynn Howard from Crossroads Community Church gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation, appeared before the Board to discuss highway matters of interest to York County. He indicated that turning lanes and the signal at the intersection of Mooretown and Airport Roads will be completed in May around the 30th. A safety improvement project to add turn lanes at Route 143 has been completed also. Work will start on Seaford Road on Monday morning now that the rain has stopped. Mr. Hicks then spoke of drainage problems, stating VDOT forces are trying to address them, but they also are in preparation for the overlay program at this time. He noted it is a very aggressive program and \$4-5 million is spent in York County to overlay roads. The issues with drainage are ongoing, and VDOT will take care of them. In response to a question by Mr. Burgett at an earlier meeting, he stated that since the weather is cooperating, Victory Boulevard and Old Pond Road will see improvement. At Route 17/171 the dual left-turn lane was eliminated, and a larger sign erected. He also told Mr. Bowman that sometime in May VDOT will get with CSX to discuss improvements at Wolf Trap Road and the railroad crossing.

Mr. Bowman expressed his appreciation for the Seaford Road update. He asked where VDOT stands with the Edgehill ditches.

Mr. Hicks explained that some areas need environmental review before any work can be done. The state requires stricter land disturbing permits as of July 1. He noted that the days of VDOT crews going out and cleaning ditches without environmental review are over. Mr. Hicks stated it is a process that they must follow, and he could not give Mr. Bowman a specific date for the ditch work.

Mr. Bowman asked if the culverts could be cleared just to get the water flowing, especially in the areas hardest hit by Hurricane Isabel.

Mr. Hicks explained there are 200 drainage issues/complaints that are being prioritized, and that equates to a 6-month backlog. Even cleaning out the pipes requires a lot of resources, but by Monday he will have a priority list to share with the Board as to when the areas will be addressed.

Mr. Bowman then noted that when crossing over Route 17 from Denbigh Boulevard onto Goodwin Neck Road, the hump or crest in the road is so extreme that it almost throws a motorist up into the ceiling of their automobile, especially if they have the green light and do not have to slow down significantly. He asked Mr. Hicks if there are any plans to go in and cut it down.

April 20, 2004

Mr. Hicks indicated it was the first time he had heard about the problem, but he would look into it.

Mrs. Noll thanked Mr. Hicks for work on Kay Lane and for the paving schedule.

Mr. Burgett thanked Mr. Hicks for the paving schedule. The residents of three streets in Breezy Point appreciate the good work also.

Mr. Zaremba indicated Mr. Hicks made a comment about Route 143, and he asked what had occurred.

Mr. Hicks stated that a left-turn lane was added coming from Camp Peary.

Mr. Zaremba stated the tasks of the VDOT residency are awesome, and in York County steady progress is being made. By the end of May there will be a traffic light and additional turn lanes at Airport and Mooretown Roads. The other intersection with potential for major disasters is Lightfoot Road and Route 199, and a traffic light is finally going to be installed. Mr. Zaremba then asked about the Penniman Road/Route 199 area.

Mr. Hicks indicated the state forces are going to rehabilitate that roadway where the asphalt is up. Regarding the short segment of Penniman Road mentioned at a recent meeting by a resident, currently VDOT's right-of-way and legal people are looking to see if VDOT owns part of the roadway in order to make some improvements. He stated some solution will take place, but he needs to make sure all the paperwork is done to properly do the work.

Mr. Zaremba asked that Mr. Hicks give the Board an update on the progress of the I-64 repaving project at the May 18 Regular Board meeting.

Chairman Shepperd echoed the other Board members' comments about the great work that VDOT is doing in this area. He noted that VDOT does not have full manpower at this time, but there is a possibility that they might be getting about 15 more crew members soon. He stated there is a semi-freeze at this time on VDOT positions, but that Connie Sorrell, the interim District Administrator, is aggressively moving forward to hire crucial positions. He asked if Mr. Hicks would share the statistics in terms of why it takes so long to get to each citizen request.

Mr. Hicks stated that on average only two repair projects can be done a day because of the need for equipment and the amount of work to be done. Right now there is a 5-6 month waiting period because VDOT is also working on other projects. He further indicated again that there are strict environmental regulations that make it very difficult to expedite certain processes. Mr. Hicks noted that many of the outfall areas have wetlands, and special permits are required.

Chairman Shepperd noted that a 5-6 month backlog assumes that the weather will be perfect, and everyone has the same priority rating. He stated there is a chance things could be better, but the citizens need to understand the time it takes for these projects to get accomplished.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Mr. Tom Gallagher made a brief presentation, with the use of visual aids, concerning the 20-year employment of Mr. Charles Ferrell, Department of Environmental and Development Services.

Chairman Shepperd congratulated Mr. Charles E. Ferrell, Sr., for having attained 20 years of service with the County, and presented him with his service pin and certificate.

VOLUNTEER REPORT/OUTSTANDING VOLUNTEER AWARDS

Mr. Rick Smethurst, Department of Community Services, made a presentation on the 2003 Volunteer Program and the contributions made to the County. He stated 1900 individuals and 145 different support groups logged almost 93,000 hours of volunteer time or the equivalent of

45 full-time employees. He stated the monetary worth to the County was \$2,043,456. Mr. Smethurst then displayed a video depicting nominees and their contribution to the County.

Chairman Shepperd congratulated and thanked each of the following selected nominees and presented them with an engraved plate in recognition of their contributions to the County:

Erica Booth	Victim-Witness Program Volunteer
Mike Bossie	Stormwater Advisory Committee Member
Janine Hughey	Volunteer 4-H Club Leader
James "Butch" Meador	Retired Battalion Chief and Dedicated Volunteer
David & Carol "Sam" Meredith	Hurricane Isabel Volunteers
Mildred "Millie" Rusinko	Senior Center of York Volunteer
Beth Saunders	2003 Master Gardener Coordinator

CITIZENS COMMENT PERIOD

Mr. Robert Keynton, 110 Quartermarsh Drive, spoke of inequities he has seen in the assessment process. He showed examples of discrepancies in assessments of abutting properties or waterfront properties to the Board members, and he requested that the Board obtain from the Assessors Office a formal, logical and common sense explanation of the variances he described.

Mrs. Pam Pouchot, 103 Kimberly Court, stated her in-ground pool was destroyed by a hurricane several years ago, and no permit was required for demolition so Building Regulations would not have reported it to the Assessor's Office. She stated she was told it was responsibility of the property owner to report changes in property and use. Mrs. Pouchot stated she was refunded taxes for the previous three years, but she feels she should be able to request a tax refund for the years prior because it was only by accident that they found out her pool was still in the assessment.

Mr. James M. O'Hara, 706 Main Street, stated he felt a cruise ship pier at the end of Water and Ballard Streets is offensive, and the picnic area would be a better location if there has to be one. Mr. O'Hara noted he sent a letter to the Board on March 18, and he has not received a reply. He asked the Board to provide him with the status.

Chairman Shepperd indicated the staff would contact Mr. O'Hara as soon as possible.

Mr. Monte Jons, 122 Drew Road, Marketing Director for Serenity House, spoke of the facility and the services it provides. He stated they are very serious about working with the courts, the business community, and the government. He stated he feels Serenity House is an active program to alleviate problems, and he invited the Board to visit the facility.

Meeting Recessed. At 7:53 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:03 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARING

LEASE AGREEMENT FOR COFFERDAM PIER

Mr. McReynolds gave a presentation on proposed Resolution R04-76 to authorize the execution of a docking and lease agreement for the Yorktown Cofferdam Pier with several businesses for activities associated with the operation of dinner cruises, scenic cruises, and fishing trips originating from the Yorktown waterfront.

April 20, 2004

Chairman Shepperd called to order a public hearing on proposed Resolution R04-76 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH YORKTOWN CRUISES, INC., ERIN KAY CHARTERS, INC., AND W M & C M, INC., T/A SEA SPRAY CHARTERS, FOR THE USE AND TEMPORARY IMPROVEMENT OF THE YORKTOWN PIER FOR THE EMBARKATION AND DISEMBARKATION OF PASSENGERS ON YORK RIVER CRUISES

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R04-76 which reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH YORKTOWN CRUISES, INC., ERIN KAY CHARTERS, INC., AND W M & C M, INC., T/A SEA SPRAY CHARTERS, FOR THE USE AND TEMPORARY IMPROVEMENT OF THE YORKTOWN PIER FOR THE EMBARKATION AND DISEMBARKATION OF PASSENGERS ON YORK RIVER CRUISES

WHEREAS, the County owns a certain pier on the York River waterfront in Yorktown, adjacent to the intersection of Water Street and Comte de Grasse Street, sometimes known as the Cofferdam Pier; and

WHEREAS, Yorktown Cruises, Inc., Erin Kay Charters, Inc., and W M & C M, Inc., t/a Sea Spray Charters, each desire to utilize the pier as a point of embarkation and disembarkation of passengers in connection with fishing trips, dinner cruises, and sightseeing cruises on and in the vicinity of the York River and for that purpose desire to construct and install temporary improvements to and adjacent to the pier consisting of a floating dock and a ramp connecting the floating ramp with the pier; and

WHEREAS, this Board, following a duly advertised public hearing in accordance with Code of Virginia § 15.2-1800, has determined that it is in the public's interest to allow the pier to be so utilized, as set out herein;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that the County Administrator be, and he is hereby, authorized to enter into an agreement, substantially in the same form as that draft "Agreement for Use of Yorktown Pier" attached to the County Administrator's memorandum of April 9, 2004, whereby Yorktown Cruises, Inc., Erin Kay Charters, Inc., and W M & C M, Inc., t/a Sea Spray Charters shall be allowed to anchor adjacent to the pier a floating dock to be purchased by the County, which dock shall be connected to the pier by a ramp to be constructed by the contracting companies, upon a payment of rent in the amount of Fifty Cents (50¢) for each passenger transported to and from the pier from vessels anchored in the York River, with a guaranteed minimum annual payment of Five Thousand Dollars (\$5,000.00), such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett informed the Board that this week is the Local Government Attorneys' conference, and he will be out of the office in Roanoke on Thursday and Friday. The Assistant County Attorney will also be out of the office because her newborn son gets to come home on Thursday.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reported on the wetlands education interpretive area program at Charles Brown Park. About 10,000 plants need to be planted on May 23, and teams of volunteers are needed to help the Master Gardeners to do the work. Volunteers should call Frank Rogers at 890-3880. The wetlands mitigation will fulfill a requirement related to the Tabb Library construction project.

Mrs. Anne B. Smith, Director of Community Services, stated the work would start in the morning at a time to be announced. Volunteers will be notified. The work will take the better part of the day.

Mr. McReynolds reminded the Board of the May 4 Regular Meeting, the May 11 work session, and the May 18 Regular Meeting.

Mr. Burgett asked if the work session on May 11 would cover the Assessor's Office.

Mr. McReynolds indicated it was for that purpose.

Mr. Burgett stated there will be a lot of people interested in the work session, and he noted it would be broadcast on Channel 46.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated the Board will have a work session on the assessment on May 11. She noted the County has a Board of Equalization appointed by the Circuit Court that will look at the assessments and look at the properties. Sometimes they will agree with the property owner, and sometimes they won't. She stated if a citizen feels they have a case, they need to take it to the Board of Equalization. Mrs. Noll stated that as much as the Board has talked about the inequities in the assessments and the huge increase, only 11 people have signed up to speak to the Board of Equalization to date. She noted that applications must be received by the end of business April 30.

Mr. Bowman noted that at the last meeting the Board was overwhelmed with other matters, and he did not get a chance to thank Mrs. Smith for putting together the trip to the Juvenile Detention facilities in the state. He stated they are the halfway house for kids who have not done the serious crimes. He indicated they talked to the kids and went on a tour, and it was quite impressive to see how the facilities are run. He stated it costs about \$75,000 per individual per year in such facilities. He noted that last week he and Mr. Burgett attended the groundbreaking ceremony for the Colonial Harbor retirement community, which is going to be an exciting place for senior citizens. They have lots of plans and enthusiasm, and it should be one of the great properties within York County. Mr. Bowman then noted that building permit fees have been waived for residents affected by hurricane damage, and an ordinance will come before the Board on May 4 to extend the time to September 18, 2005, which should give the necessary time to the people who have not been able to get a contractor into their properties for repairs. He noted it was not a blanket waiver to everyone, but only those affected by the hurricane.

Mr. Burgett spoke of the new map and guide for Yorktown that was developed by Mary Boynton and Kristi Olsen, stating it was extremely well done. He also addressed the Route 17 Revitalization Committee and the actions which were implemented over the past year, noting that other localities want to talk to York's committee about how they can do this in their communities. Mr. Burgett stated the Chamber of Commerce has plans to hold a golf tournament with some of the funds going to the monument planned at an entrance to York County in the southern end. He indicated he had attended a meeting of the task force for the airport, and stated air services are continuing to grow from the NN/Williamsburg Airport. A gentleman who is an expert on airports discussed the air freight services now provided by the airlines and the businesses that are providing next day services, and he noted it is an economic engine for our area. Mr. Burgett also noted he had attended the Homeowners' Associations' meeting that Mr. McReynolds has quarterly, and he complimented him on a very good meeting.

Mr. Zaremba reminded everyone that the Board members know that when a citizen comes before the Board and makes a statement or addresses an issue they do not respond. He stated that because the Board does not respond does not mean it is not listening very intently. He stated the Board does respond through many ways such as town meetings, Channel 46, Citizens News, one-on-one, and staff responses. He stated the Board also does not have a dialog with the citizens at work sessions because they do not have time, and it is not the time for a debate. Mr. Zaremba suggested the citizens correspond and communicate with every member of the board and with staff to get answers to their questions in a more general manner. He then announced that New Quarter Park will be reopened July 1 with brand new playground equipment and other new recreational and picnic facilities. This is an opportunity to get the families out and partake of the wonderful facilities. Next year when it is opened, there will be a pedestrian bicycle trail and a 3-mile hiking trail as well as a 5.5-mile mountain bike trail. He noted the Board heard from a gentleman who was upset with respect to what is going on at the waterfront, and periodic updates need to be provided to the citizens so they do not have to wonder what is going on. Mr. Zaremba then addressed the work that was being accomplished on the Riverwalk project. He then noted that beginning on May 11 the Board will have a work session to start evaluating and discussing the assessment process relative to invalidating the work that was done, what can be done better, and the processes in the Assessor's Office. Mr. Zaremba then pointed out there was an article in the Virginia Gazette on the 10th of April on the plight of the Watermen's Museum. He stated that at some point in time the Board probably needs to sit down with the president of the Watermen's Museum to see if there is an opportunity for a private/public partnership to assist them.

Chairman Shepperd stated the Board needed to schedule a work session on the Watermen's Museum. He recommend to everyone to go to the overlook at Buckner Street to look at the construction on the waterfront in order to get a real in-depth understanding of what is taking place. Foundations are laid in a lot of places, and it also gives a real perspective of what it is going to look like. He then addressed the budget session, stating he got back over 100 responses to his survey and questions. He noted it takes a lot of time, but he is still responding to those questions. Mr. Shepperd thanked staff for helping him with research to answers. He spoke of how Yorktown is a great place to go on weekends, and because of the construction, there is a great deal more noise than usual. He stated the Board will be checking to see if something can be done to make sure everyone is safe. Mr. Shepperd then addressed the assessments, stating that everyone is telling him York's assessments are below the market value. He stated the same concerns are happening in Hampton, Newport News, in Las Vegas, and all over the country. He announced that on April 28 at 7:00 p.m. at the Tabb Elementary School Gymnasium he will be conducting a town meeting, and he spoke of the topics that will be covered. He also announced that today he went to Griffin Yeates for the open house and art show for the York County Headstart and CDR First Steps programs. He stated the program is an incredible statement of the community commitment to these kids. He noted the volunteers love the work, and the program is a statement of the importance we place on our children and their future. Mr. Shepperd stated it is a great program, and he is really proud of the work being done there.

CONSENT CALENDAR

Mr. Burgett asked that Item Nos. 4 and 9 be removed from the Consent Calendar.

Chairman Shepperd asked that Item No. 8 be removed from the Consent Calendar.

Mr. Noll moved that the Consent Calendar be approved as amended, Item Nos. 2, 3, 5, 6, 7, 10, 11 and 12, respectively.

On roll call the vote was:

Yea:	(5)	Noll, Bowman, Burgett, Zaremba, Shepperd
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

March 16, 2004, Regular Meeting
 March 18, 2004, Adjourned Meeting
 March 23, 2004, Adjourned Meeting

Item No. 3. PURCHASE AUTHORIZATION: Resolution R04-75.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF MODULAR PLAYGROUND SYSTEMS AT NEW QUARTER PARK AND LANDSCAPE ENHANCEMENTS ALONG ROUTE 199/ROUTE 603

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Modular Playground Systems	\$ 53,390
Grounds Maintenance Landscape Enhancements (3-years)	156,054

Item No. 5. STREET ACCEPTANCES: Resolution R04-66 and Resolution R04-67.Resolution R04-66:

A RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INCLUDE CERTAIN STREETS IN SKIMINO LANDING ESTATES, PHASES II-A AND II-B, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of April, 2004, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

April 20, 2004

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Skimino Landing Estates, Phases II-A and II-B, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted April 20, 2004

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Skimino Landing Estates, Phases II-A and II-B

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Creek Point Circle, State Route Number 1410

Description: **From:** Route 1613 (Shady Bluff Point)
To: Route 1411 (Goering Drive)
A distance of: 0.14 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 9/12/1996, Plat Book 12, Pages 400-402, and on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Description: **From:** Route 1411 (Goering Drive)
To: End of cul-de-sac
A distance of: 0.19 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Deep Woods Trail, State Route Number 1415

Description: **From:** Route 1413 (Skimino Landing Drive)
To: End of cul-de-sac
A distance of: 0.10 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/22/2000, Plat Book 13, Pages 137-140, with a width of 50'

Goering Drive, State Route Number 1411

Description: **From:** Route 1410 (Creek Point Circle)
To: Route 1412 (Pheasant Springs Road)
A distance of: 0.11 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Marina Point, State Route Number 1414

Description: **From:** Route 1413 (Skimino Landing Drive)
To: End of cul-de-sac
A distance of: 0.07 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Pheasant Springs Road, State Route Number 1412

Description: **From:** Route 1411 (Goering Drive)
To: End of cul-de-sac
A distance of: 0.05 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Description: **From:** Route 1411 (Goering Drive)

To: Route 1413 (Skimino Landing Drive, West End)
A distance of: 0.17 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Description: **From:** Route 1413 (Skimino Landing Drive, West End)
To: Route 1413 (Skimino Landing Drive, East End)
A distance of: 0.20 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/22/2000, Plat Book 13, Pages 137-140, with a width of 50'

Skimino Landing Drive, State Route Number 1413

Description: **From:** Route 1412 (Pheasant Springs Road, West)
To: Route 1414 (Marina Point)
A distance of: 0.27 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/23/1998, Plat Book 12, Pages 646-649, with a width of 50'

Description: **From:** Route 1414 (Marina Point)
To: Route 1412 (Pheasant Springs Road, East)
A distance of: 0.14 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/22/2000, Plat Book 13, Pages 137-140, with a width of 50'

Description: **From:** Route 1412 (Pheasant Springs Road, East)
To: Route 1415 (Deep Woods Trail)
A distance of: 0.19 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/22/2000, Plat Book 13, Pages 137-140, with a width of 50'

Description: **From:** Route 1415 (Deep Woods Trail)
To: Route 797 (Skimino Road)
A distance of: 0.26 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/22/2000, Plat Book 13, Pages 137-140, with a width of 50'

Resolution: R04-67:

A RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INCLUDE A STREET IN ENDVIEW WOODS, SECTION ONE, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of April, 2004, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Endview Woods, Section One and to the Resident Engineer of the Virginia Department of Transportation.

April 20, 2004

In the County of York

By resolution of the governing body adopted April 20, 2004

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.**Report of Changes in the Secondary System of State Highways**

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision**Endview Woods, Section One**Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229****Route Number and/or Street Name****Vivian Court, State Route Number 1026**

Description: **From:** Route 238 (Old Williamsburg Road)
To: Route 648 (Brown's Lane)
 A distance of: 0.20 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 3/25/1999, Plat Book 12, Pages 678-681, and on 8/14/2002, Instrument #020016592, with a width of 44' and 50'

Item No. 6. PUBLIC SEWER EXTENSION AGREEMENT: MICHAEL COMMONS, PHASE II: Resolution R04-69.

**A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
 COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DE-
 VELOPMENT KNOWN AS MICHAEL COMMONS, PHASE II, AND
 AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC
 SEWER EXTENSION AGREEMENT**

WHEREAS, Jim Griffith Builder, Inc., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve six new commercial lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$13,800;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, Michael Commons, Phase II, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement

with Jim Griffith Builder, Inc., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 7. PUBLIC WATER EXTENSION AGREEMENT: Resolution R04-70.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S WATER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS MICHAEL COMMONS, PHASE II, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC WATER EXTENSION AGREEMENT

WHEREAS, Jim Griffith Builder, Inc., has requested that the County enter into a public water extension agreement pursuant to § 22-88 (b) of the York County Code to serve six new commercial lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public water facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing water system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 22 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$11,100;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that the Board approves the extension of the County's public water system to serve the proposed development, Michael Commons, Phase II, and that the County Administrator be, and he hereby is, authorized to execute a public water extension agreement with Jim Griffith Builder, Inc., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 10. YVA-STORAGE SHED APPROVAL: Resolution R04-73.

A RESOLUTION TO APPROVE THE REQUEST OF ELSIE SULIK FOR THE CONSTRUCTION OF AN ACCESSORY STORAGE SHED ON PROPERTY LOCATED AT 105 PULASKI STREET IN YORKTOWN

WHEREAS, Ms. Elsie Sulik has submitted an application requesting permission to install an accessory storage shed on property located at 105 Pulaski Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the Board has determined that the location and design of the proposed shed will be compatible with adjacent properties and structures.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that the request of Ms. Elsie Sulik for the installation of an accessory storage shed on property located at 105 Pulaski Street, as described in the County Administrator's report to the Board dated April 5, 2004, be, and it is hereby, approved.

April 20, 2004

Item No. 4. OUTSTANDING YOUTH OF THE YEAR AWARDS: Resolutions R04-48, R04-49, R04-50 and R04-51 (Removed from the Consent Calendar)

Mr. Burgett stated the young people in York County are amazing in what they do, and it was a very difficult task to choose the awardees. He then moved the adoption of proposed Resolutions R04-48, R04-49, R04-50, and R04-51 that read:

Resolution R04-48:

A RESOLUTION TO COMMEND AND CONGRATULATE SCOTT PERCIC ON HIS SELECTION AS THE 2004 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COMPASSION

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Scott Percic was nominated and has been chosen by the Selection Committee to receive the 2004 Outstanding Youth of the Year Award for Compassion; and

WHEREAS, Scott Percic typifies compassion in its truest sense, and is widely known for his sensitivity in relating to the feelings and meeting the needs of others; and

WHEREAS, Scott constantly reaches out to people in spite of his own demanding schedule as a senior at York High School where he takes advanced courses, is a member of the National Honor Society and Mu Alpha Theta Math Honor Society, is President of the Fellowship of Christian Athletes, Co-President of the Key Club, and also ran on the Indoor Track Team; and

WHEREAS, over the past four years Scott has participated in numerous school sponsored service projects including visiting with senior citizens in nursing homes, participating in food drives for the needy, and tutoring elementary school children; and

WHEREAS, Scott's leadership this year in York's growing Fellowship of Christian Athletes has earned him the admiration and respect of many, who appreciate his sincere desire for his peers to attend meetings because he knows they will draw encouragement, enjoyment, and fellowship from them; and

WHEREAS, Scott's deep love for God and his schoolmates have also caused him to initiate a voluntary student prayer session in the mornings before school; and

WHEREAS, Scott has also independently volunteered his time to work with the Special Olympics soccer and softball programs in Newport News, and also reaches out to others through his service with St. Bede Catholic Church with whom he has participated in local summertime Housing Partnerships projects, introducing many of his friends to these workdays who have in turn started coming on their own, and has also traveled the past three summers to North Carolina to join students from across the country in performing housing repairs for the elderly, disadvantaged families, and a women's shelter; and

WHEREAS, Scott is widely respected by his peers, as the coordinator of the North Carolina missions trips relates how his listening ear and wise counsel are often sought out by other high school volunteers from around the country who are so touched by Scott's life and example that they begin opening up and sharing their problems with him after the day's work, often causing Scott to compassionately stay up until late at night to offer his encouragement and support; and

WHEREAS, Scott's consistent concern for people is praised by his nominator, principal, teachers, youth minister, FCA Director, and daycare employer, who exclaim that: "he surpasses the criteria as someone who is caring and sensitive to the needs of others;" "his compassion, positive actions, sense of humor, and tireless energy and enthusiasm bring a smile to many faces;" he is "very quiet and humble yet so inspiring in his leadership and nurturing of others;" "the type of leader who inspires people to fight for a good cause;" "an awesome young man, always looking to help other students out;" "very outgoing and friendly with no prejudice

or bias;" a young man who always makes sure everyone feels included, with a special care for those who may be quiet or who otherwise might feel left out; and, someone who "just reaches out to *everybody*;"

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that Scott Percic be, and he is hereby, commended and congratulated for being selected as York County's 2004 Outstanding Youth of the Year for Compassion.

BE IT FURTHER RESOLVED that Scott be extended the best wishes of the Board of Supervisors as he continues to live a life of exemplary love and concern for others, and may he take great encouragement in the fact that those who know him are inspired and challenged to do likewise.

Resolution R04-49:

A RESOLUTION TO COMMEND AND CONGRATULATE TONY ORBAND ON HIS SELECTION AS THE 2004 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COMMUNITY SERVICE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Tony Orband received *two* nominations, and has been chosen by the Selection Committee to receive the 2004 Outstanding Youth of the Year Award for Community Service; and

WHEREAS, Tony Orband has demonstrated a genuine desire to serve others living in York County and beyond; and

WHEREAS, Tony is a busy senior with advanced classes at York High School where he serves as the Vice-President of the National Honor Society, President of the Latin Club, Treasurer of the Fellowship of Christian Athletes, Yearbook Computer Editor, and was also a member of York's Varsity Swim Team; and

WHEREAS, Tony's demanding schedule of coursework and extracurricular activities have not kept him from taking the time to lend help to others, as evidenced by his four years of service with York's active Latin Club, on which, for the past three years, he has coordinated maintenance work and upkeep of the school's "Secret Garden" interior courtyard, made hand-made greeting cards for residents at a local nursing home, was instrumental in organizing canned food drives for the needy, and spearheaded a school-wide donation drive to send needed items to local soldiers serving in Iraq; and

WHEREAS, Tony has also given service outside of school, acting as Treasurer on York County's 4-H Teen Leadership Council, volunteering to help in the Special Olympics Program, and traveling to North Carolina last summer to participate in a work camp providing housing repairs for needy families; and

WHEREAS, Tony has also been very active in service to and through St. Joan of Arc Catholic Church, where for years he has served with distinction as a lector and altar server, and is a regular and enthusiastic attendee in their twice monthly Saturday grounds maintenance workdays; and

WHEREAS, Tony's service stems from his integrity, strong character, and sincere desire to help others, earning him such accolades from his nominators, principal, teachers, employer, FCA Director, and others as: showing "service and willingness to help...others or...those that may not be able to do for themselves;" being "one of those rare people who give so much of themselves;" a "150% guy, always going beyond the basic expectations;" putting "all of himself in whatever he does, but doing so humbly and quietly;" being "a gentle, kind, and compassionate person;" "not just reaching out in service but with *heart*;" "a very reliable young man; you can trust him...always...I would trust him with my life;" "does what he does because he cares

April 20, 2004

about *people...not after glory*;" "a guy that gets dirty, rolls his sleeves up, a happy worker, infectious, with a crowd always around him;" "respected for his work ethic, a real team player;" someone who makes "positive contributions to his school, church, and community;" and, in short, "Tony is always working on something for the benefit of others;" and

WHEREAS, a deacon and longtime friend at church offers this vivid picture of Tony's *heart* behind his service, when Tony, a strapping teenaged young man, visited a local convalescent home where he was observed to kneel down in front of an elderly wheelchair bound woman so as to be at her eye level, where he could show her the attention and care she deserved while intently *listening* to her stories;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that Tony Orband be, and he is hereby, commended and congratulated for being selected as York County's 2004 Outstanding Youth of the Year for Community Service.

BE IT FURTHER RESOLVED that Tony be extended the sincere appreciation of the Board of Supervisors for his giving spirit and commitment to service, as well as the Board's best wishes for a continued meaningful and rewarding life in giving of his time and talents to others.

Resolution R04-50:

A RESOLUTION TO COMMEND AND CONGRATULATE CHRISTINE MILLER ON HER SELECTION AS THE 2004 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR OVERALL ACHIEVEMENT

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Christine Miller was nominated and has been chosen by the Selection Committee to receive the 2004 Outstanding Youth of the Year Award for Overall Achievement; and

WHEREAS, Christine Miller epitomizes excellence and outstanding achievement with her numerous accomplishments and superior performance in a wide variety of endeavors; and

WHEREAS, Christine's *academic* achievements are evidenced by her near 4.2 grade-point average in a demanding load of advanced coursework as a senior at Grafton High School, her selection to the Governor's School for Humanities last summer, her election into the National Honor Society, French Honor Society, and Mu Alpha Theta Math Honor Society, and in her participation on Grafton's team in the Math League; and

WHEREAS, Christine's *athletic* achievements are demonstrated by lettering the past three years on Grafton's celebrated Varsity Field Hockey Team, during which the team played in the Region I Tournament all three years, advanced to the State Tourney two years, and, in her junior year, won the District, Regional, and State Tournaments, and by also achieving individual recognition this year in qualifying for the National Field Hockey Coaches Association National High School Academic Squad; and

WHEREAS, Christine's *performing arts* talent and achievements are also noteworthy and include her membership in the International Thespian Society, participation in Grafton's spring musicals the past two years including her role as the female lead in this year's production, writing and directing an original play performed at Grafton, winning the Superior Rating in the Monologue Competition at the Virginia State Thespian Festival, qualifying for the National Thespian Convention last summer, and being named to the All-District Chorus as a Soprano this year; and

WHEREAS, Christine's *leadership* achievements are seen by her role this year as President of both the French Honor Society and Fellowship of Christian Athletes, and her selection for the American Independence Foundation of Colonial Virginia Youth Leadership Conference last spring, where she won the "Outstanding Leader Award," and has since served as Student Conference Coordinator, raised money for scholarships, and helped develop the Foundation's Web site and public relations package; and

WHEREAS, Christine's *service* achievements are evidenced by her participation in a number of school and church related projects including cooking and serving food at the Peninsula Rescue Mission; visiting residents in a local nursing home; coordinating Grafton's Thanksgiving Food Drive sponsored by the French Honor Society the past two years; tutoring her peers in Chemistry, French, and Math while also volunteering to tutor elementary school children; teaching Vacation Bible School; traveling out of state with her church's youth group to minister in a home for the mentally retarded; and assisting with the Dicken's Christmas Village community production for two years; and

WHEREAS, Christine's noteworthy achievements and successes in life are surpassed only by her character, which has earned her the respect of her peers and adults alike, but is perhaps best understood through a glimpse of her giving heart in the little known fact that since seventh grade she has independently sponsored a girl from India through Compassion International, writing letters and using money she herself has earned from babysitting and other part-time jobs to pay the monthly support payments;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that Christine Miller be, and she is hereby, commended and congratulated for being selected as York County's 2004 Outstanding Youth of the Year for Overall Achievement.

BE IT FURTHER RESOLVED that Christine be extended the heartfelt appreciation of the Board of Supervisors for her outstanding example and invaluable role model to the youth of our community, and that the Board's best wishes go with her as she continues to use her talents and abilities in service to others.

Resolution R04-51:

A RESOLUTION TO COMMEND AND CONGRATULATE NICK
RENISON ON HIS SELECTION AS THE 2004 YORK COUNTY
OUTSTANDING YOUTH OF THE YEAR FOR COURAGE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Nick Renison was nominated and has been chosen by the Selection Committee to receive the 2004 Outstanding Youth of the Year Award for Courage, a quality recognized by all since August 15, 2003, when the seventeen year old rising senior at Tabb High School was suddenly diagnosed with Acute Myeloid Leukemia; and

WHEREAS, Nick was immediately hospitalized in Riverside's Oncology Intensive Care Unit and underwent eight weeks of chemotherapy until late October, suffering through the physical side effects of nausea, fever spells as high as 105 degrees that required him to be packed in ice, weight and hair loss, and peeling skin, as well as the emotional stress of being isolated and separated from his home, school, and friends; and

WHEREAS, Nick's parents remember his initial shock and the courage it took for him to even admit his fear, but how he soon came to grips with his condition, resolved to get his life in order, and focused on new goals, which included being baptized, rededicating himself to his schoolwork and plans for college, and pursuing the dream of graduating with his class and participating in Commencement this June; and

April 20, 2004

WHEREAS, Nick couldn't even begin course work until almost the first of November, and soon began balancing his homebound instruction with daily outpatient visits for continuing chemotherapy treatments and constant blood monitoring; and

WHEREAS, from November through March Nick maintained this schedule in a self-sufficient manner, often driving himself to the doctor's office where he befriended many older oncology patients, and also taking additional intravenous medicines at home with the use of a portable pump; and

WHEREAS, throughout this ordeal Nick diligently performed his schoolwork, earning A's and B's in his required courses for graduation while also taking college entrance exams and preparing college applications for this fall; and

WHEREAS, Nick underwent a third intensive round of chemotherapy in late winter and this spring began a fourth round at the Duke University Medical Center, where he is scheduled to be hospitalized for another six to eight weeks to undergo a stem cell auto transplant at Duke's Adult Bone Marrow Medical Center; and

WHEREAS, Nick is characterized by his nominator and Guidance Counselor as being a "mature young man before his encounter with cancer," who through this experience has gained "a unique perspective on the meaning of life and what he wants to do with his," which is to become a Pediatric Oncologist; and

WHEREAS, Nick's dogged perseverance has also earned him the respect of his homebound tutor, who affirms that Nick "has never complained, not one single time, and has never used his illness to try and keep from doing an assignment;" and

WHEREAS, Nick is also esteemed by his principal and teachers at Tabb High who report that he will graduate on time with his senior class this June; and

WHEREAS, his dad, George, tearfully recounts his son's bravery, remarking that, "He's been so strong with it. He's kept a positive outlook and takes a day at a time," while his mom, Clara, lovingly relates that "he never has any pity for himself, but stays focused, looking forward, going ahead, and planning for next year."

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that Nick Renison be, and he is hereby, congratulated and commended as York County's 2004 Outstanding Youth of the Year for Courage.

BE IT FURTHER RESOLVED, that Nick be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Courage, that he be extended the sincere admiration and heartfelt appreciation of the Board of Supervisors for his tremendous inspiration and example to us all, and that the Board's best wishes go with him for a most rewarding and blessed life, and a bright future filled with continued triumph.

On roll call the vote was:

Yea:	(5)	Bowman, Burgett, Zaremba, Noll, Shepperd
Nay	(0)	

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT: CHURCHILL ESTATES, SECTION 3:
Proposed Resolution R04-29 (Removed from Consent Calendar)

Chairman Shepperd noted that this development is interesting because there is potential for the developer in working with the County to get credits and extend the system to include some surrounding homes, and that will provide the neighbors the opportunity to hook up. Because this area is not scheduled on the County's extension until 2009, the residents will also have the option of not hooking up now but making the decision when the 2009 project goes in without having to pay the higher hookup fee. He then moved the adoption of proposed Resolution R04-29 that reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS CHURCHILL ESTATES, SECTION 3, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Mid-Atlantic Communities, L.L.C., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve twenty-seven new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$22,100;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, Churchill Estates, Section 3, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Mid-Atlantic Communities, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

Item No. 9. REFUND OF TAXES: Proposed Resolution R04-68 (Removed from Consent Calendar)

Mr. Burgett questioned the refund to Williamsburg Plantation. He stated its call centers are in York County, but the timeshares and closing room are located in James City County. In the past they have been charging BPOL on salaries in York County, but the Commissioner of the Revenue says the business operation on Waller Mill Road does not require a business license. Mr. Burgett stated these people are selling real estate, and he did not understand why the operation shouldn't continue to be taxed.

Mr. Barnett stated he felt the sales operation could be a separate thing. The people in York County were only making arrangements for people to visit the timeshares. He stated he felt the operation could be taxed separately from the construction aspect. He noted the Commissioner did determine there was some income.

Mr. Burgett stated he felt if a contact is made with somebody in York County, a portion of the money should go to York County because the sale started with that contact. He indicated he did not agree with the Commissioner of the Revenue in that a portion of the sales from the contacts that were made in York County should be taxable.

Mrs. Noll suggested the item be removed from the agenda.

Chairman Shepperd suggested that only the Williamsburg Plantation portion be removed and that the Board approve the other portion of the proposed Resolution. The Williamsburg Planta-

April 20, 2004

tion portion can be approved at a later date once clarification has been provided by the Commissioner of the Revenue.

Mr. Burgett then moved the adoption of proposed Resolution R04-68(R) that reads:

A RESOLUTION TO AUTHORIZE PAYMENT OF REFUNDS OF
BUSINESS LICENSE TAX TO HOURIGAN CONSTRUCTION CORP.

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Hourigan Construction Corp. has made application to the Commissioner of the Revenue for a refund of a portion of the business license tax it paid in 2003, due to the company's over reporting of gross receipts; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of April, 2004, that the Treasurer is authorized to refund to Hourigan Construction Corp. business license taxes in the amount of \$2,952.33, plus accrued interest in the amount of \$344.24, for a total refund of \$3,296.57.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

NEW BUSINESS

SPONSORSHIP OF AMENDMENT TO YORK COUNTY ZONING ORDINANCE

Mr. Carter gave a presentation on proposed Resolution R04-74 to sponsor an amendment to the York County Zoning Ordinance to amend the ordinance to allow all single-family attached dwelling units to be eligible for the special building addition and accessory structure setback provisions currently limited to townhouse units.

Mrs. Noll noted that if the ordinance is changed so that one household on a duplex can add a room, it might block the patio of the adjoining duplex.

Mr. Carter indicated a townhouse owner can do the same thing. He agreed that it could impact the adjacent unit, but so far it has not become a problem.

Mr. Bowman asked if the residents will still have to go through their homeowners association's covenants if they are governed by a homeowners association and the Board approves this amendment.

Mr. Carter indicated Mr. Bowman was correct.

Mrs. Noll then moved the adoption of proposed Resolution R04-74 which reads:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND THE
YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK
COUNTY CODE) TO REVISE SECTION 24.1-403(g)(1) TO ALLOW
ALL "SINGLE-FAMILY ATTACHED" DWELLING UNITS TO BE
ELIGIBLE FOR THE SPECIAL BUILDING ADDITION AND ACCES-
SORY STRUCTURE SETBACK PROVISIONS CURRENTLY LIM-
ITED TO "TOWNHOUSE" UNITS

WHEREAS, Section 24.1-403(G)(1) of the Zoning Ordinance establishes certain special setback provisions for additions to townhouse dwelling units and structures accessory to townhouse units; and

WHEREAS, it has come to the Board's attention that the current wording does not allow such special setback provisions to apply to duplexes and multiplexes, both of which are "single-family attached dwelling units" as are townhouses; and

WHEREAS, in the interest of good zoning practice, the Board wishes to sponsor an application to amend Section 24.1-403(g)(1) to expand the special setback provisions to apply to all types of "single-family attached" dwelling units;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of April, 2004, that it does hereby sponsor an application to amend section 24.1-403(g)(1) of the York County Zoning Ordinance to expand the special setback provisions applicable to townhouses to all single-family attached dwelling unit types.

BE IT FURTHER RESOLVED that the Board does hereby forward the following draft language to the Planning Commission for review, consideration, public hearing and recommendation in accordance with applicable procedures.

Sec. 24.1-403. Standards for single-family attached dwellings.

The following standards shall be required of all single-family attached developments. Evidence of compliance shall be demonstrated through preparation of a site plan in accordance with all requirements of article V.

- (g) Each single-family attached dwelling unit shall have direct access to a private rear or side yard or patio area which should be enclosed or visually screened by fences, walls or plantings. Accessory storage sheds, fences, walls or other structures, designed and constructed at the time of development as an architecturally compatible addition to the dwelling unit, may occupy up to sixty (60) square feet ~~(2m²)~~ of the required rear or side yard area. Such sheds shall not exceed six feet (6') ~~(2m)~~ in width nor ten feet (10') ~~(3m)~~ in depth and shall be located along one of the side lot lines in order to serve as a privacy screen and to maximize the usefulness of the remaining yard/patio area. Other provisions of this chapter notwithstanding, required yard setback dimensions shall be measured to the townhouse unit rather than to any attached accessory structure.

In addition to the above-described standards, the following provisions shall apply in the situations noted:

- (1) When the rear lot line of a ~~townhouse~~ single-family attached unit abuts a common open space strip of at least twenty feet (20') ~~(6m)~~ in width, or where the rear lot line faces the side lot line of an adjoining unit and is separated from it by a common open space strip of at least ten feet (10') ~~(3m)~~ in width, there may be, as a part of the original construction, or as a later addition, a single-story attached room, storage shed, patio enclosure, screened porch, awning, or other similar structure which projects into the required fifteen foot (15') ~~(4.5m)~~ setback by as much as ten feet (10') ~~(3m)~~. No such extension shall be closer to a side lot line than otherwise authorized by the applicable dimensional regulations.
- (2) Detached single-story storage sheds or similar structures may be located within the required fifteen foot (15') ~~(4.5m)~~ rear yard area and along a side or rear property line provided that they do not exceed sixty (60) square feet ~~(5m²)~~ in area, are located at least five feet (5') ~~(1.5m)~~ from the principal structure, and the rear lot line abuts a common open space area of at least twenty-five feet (25') ~~(7.5m)~~ in width.

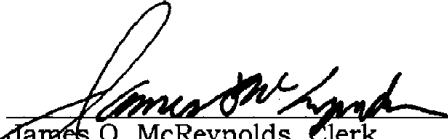
722

April 20, 2004

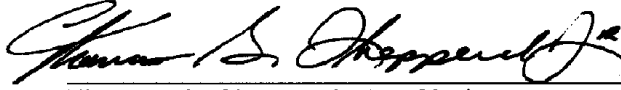
On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

Meeting Adjourned. At 9:12 p.m. Chairman Shepperd declared the meeting adjourned sine die.



James O. McReynolds, Clerk
York County Board of Supervisors



Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors